EVIDENCE—WITNESSES—PRIVILEGED COMMUNICATION—JUVENILE COURT JUDGE.—A twelve year old boy, being assured that his statements could not be used against him or his mother, who was charged with the murder of his father, confessed his part in the murder to Judge Ben Lindsey, the juvenile court judge of the district. Thereupon delinquency proceedings were instituted against the boy, and he was taken in charge as a delinquent child. At the trial of the mother, the boy testified in her favor. The prosecution called Judge Lindsey to impeach this testimony, the boy having consented to the judge testifying. The judge refused to testify and claimed the communication was privileged, whereupon the court imposed a fine for contempt. *Held,* (three judges *dissenting*) that the fine was correctly imposed, because the communication was not privileged. *Lindsey v. People* (1919, Colo.) 181 Pac. 531.

The privilege between attorney and client and that between husband and wife are well established. 4 Wigmore, *Evidence* (1905) secs. 2291, 2336; 5 Chamberlayne, *Evidence* (1911) secs. 3677, 3697. The privilege of an informer and a public official has also been recognized. *Worthington v. Scribner* (1872) 109 Mass. 487 (solicitor of United States treasury). That between physician and patient has been created in some states by statute. 5 Chamberlayne, *op. cit.*, sec. 3701. Wigmore divides the test for privilege into four elements, all of which were admittedly present in the instant case, except that "(4) the injury that would inure to the relation by the disclosure must be greater than the benefit thereby gained for the correct disposal of the litigation." 4 Wigmore, *op. cit.*, sec. 2285. The majority of the court held this element to be lacking and did not feel that it could recognize the privilege in the absence of statutory authority. The dissenting opinion by Bailey, J. presents forceful arguments to the contrary. And it is difficult to see how the work of a juvenile court judge can be of enough value to justify his existence, unless he is protected in keeping the children's confidence. In the instant case, to be sure, the boy had waived the privilege. The general rule is that the privilege can be thus waived by the person for whose benefit it was created and by him only. *McCooe v. Dighton, S. & S. Ry.* (1899) 173 Mass. 117, 53 N. E. 133; *Dowie's Estate* (1890) 135 Pa. 210, 19 Atl. 936. But it is submitted that, if the privilege were recognized in the principal case, the power of waiver might properly have been held to be in the judge of the juvenile court, since the child was a ward of the court.

EXECUTORS AND ADMINISTRATORS—ANCILLARY ADMINISTRATION NOT CHARGEABLE WITH EXPENSES OF DOMICILIARY EXECUTOR.—A testator died leaving property of small value in Oklahoma, the state of his domicile, and a bank deposit of much greater value in Texas. After litigation, in which the plaintiff, an attorney, was employed by the executor, the will was admitted to probate in Oklahoma. Meantime the defendant had been appointed administrator, without the will, in Texas. The plaintiff sought to recover the value of his services from the administrator, the Oklahoma estate being insufficient in amount and the executor insolvent. *Held,* that judgment for the plaintiff was erroneous, since the ancillary estate in Texas was not chargeable with any part of the expense of administrating the domiciliary estate in Oklahoma. *Hare v. Pendleton* (1919, Tex. Civ. App.) 214 S. W. 948.

In many states attorney's fees for services beneficial to the estate are the personal obligation of the executor or administrator who employs the attorney. *Estate of Kruger* (1904) 143 Calif. 141, 76 Pac. 891; *cf.* (1919) 29 YALE LAW JOURNAL, 242. But in Texas, by reason of statute, such fees have been held to be a direct claim against the estate. *Gammage v. Rather* (1876) 46 Tex. 105. The court assumed the Oklahoma law to be the same and that the plaintiff had a direct claim against the Oklahoma estate. But was such a claim a charge upon the estate being administered in Texas? The plaintiff contended that the